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EXAMINER	
SASAN, ARADHANA	
ART UNIT	PAPER NUMBER
1615	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/763,299	FREDRICKSON ET AL.	
	Examiner	Art Unit	
	Aradhana Sasan	1615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 August 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Status of Application

1. The remarks and amendments filed on 07/09/2007 are acknowledged.

2. Claims 35 to 50 were cancelled.

3. Claims 30 and 32 were amended.

4. Claims 1-34 are included in the prosecution.

Response to Arguments

Objection to the specification

5. The objection to the specification is withdrawn in light of applicant's correction of the typographical error.

Objection to claim 30

6. The objection to claim 30 is withdrawn in light of applicant's amendment of claim 30 to properly depend from claim 29.

Double Patenting Rejection

7. Applicant's arguments, see Page 8, filed 08/16/2007, with respect to the provisional rejection of claims 1-34 on the ground of nonstatutory obviousness-type double patenting over claims 1-8, 10-11, 15-16, 20-26 of copending Application No. 10/790,312 have been fully considered but are not persuasive. Applicant requests withdrawal of this rejection to allow the earlier filed patent application (instant) to issue. Until such time that the instant application issues, or a terminal disclaimer is filed, the double patenting rejection is maintained.

Rejection of claims 1-4, 7, 13-15, 18 and 20 under 35 USC § 102(b)

8. Applicant's arguments, see Page 9, filed 08/16/2007, with respect to the rejection of claims 1-4, 7, 13-15, 18 and 20 under 35 USC § 102(b) as being anticipated by Sparks et al. (US 5,354,556) have been fully considered but are not persuasive.

Applicant argues that Sparks neither teaches nor fairly suggests the present invention, that Sparks does not teach at least two doses of drug particles in the dry formulation. This is not found persuasive because Sparks teaches a dry formulation, prior to and after reconstitution with an aqueous liquid, that contains at least two doses of drug particles because the liquids offer "the possibility of twice-daily administration of a medicament" (Col. 8, lines 52-56). Since an additional dose of active is not added while reconstituting the dry formulation, the dry formulation contains "at least two doses" and therefore, Sparks anticipates the claim limitation of "at least two doses" in a dry formulation.

Applicant argues that Sparks teaches away from the suspensions being stored for any period of time. When the reference is taken as a whole, it teaches a formulation with at least two doses of a medicament (as shown above). Applicant cites a particular example (Col. 15, Table 3, Example 12) and states that the suspension of Sparks would not be useful for a second dose after four hours as there would be about 80% dissolution of the polymer from the drug particles. Figure 7 shows that the dissolution of the suspension of Example 12 extends over 24 hours. When the suspensions of Examples 13 and 14 were compared to two doses of a conventional syrup, plasma levels of theophylline were maintained for 24 hours. Therefore, Sparks clearly anticipates the controlled release of the active ingredient and applicant's arguments that

the present invention is both not anticipated nor rendered obvious by Sparks, and that there is no suggestion or motivation to make the proposed modification are not persuasive.

Applicant argues that Sparks does not teach a dry formulation of coated drug particles and that claim 1 of Sparks notes that the microparticles are in intimate admixture with at least one non-toxic polymer, forming a micromatrix with the active ingredient uniformly distributed therethrough. Applicant fails to find any teaching or suggestion that Sparks teaches a coated drug particle with a core and a polymer film coating the core and urge that Sparks teaches away from the core/polymer film coating structure instantly claimed. This is not found persuasive because instant claim 1 recites the limitation of "a hydrophobic polymer film coating at least a portion of the core". When each of the particles is in the form of a micromatrix with the active ingredient uniformly distributed throughout the polymer (Col. 3, lines 2-5), the active ingredient or drug is inherently, at least partially, coated by the polymer. Even if the active ingredient is "not entirely coated" (Col. 22, claim 1) by the polymer, it results in controlled release of the active, as seen in Figure 7. Therefore, Sparks does not teach away from the drug core/polymer coating of instant claims.

Applicant argues that Sparks does not teach maintaining a substantially homogenous suspension for at least 24 hours and the fact that the stability study of Sparks showed that there was no chemical breakdown of the drug over 15 weeks. Applicant states that Sparks does not teach a substantially homogenous suspension being maintained for at least 24 hours as instantly claimed. However, since there was

no chemical breakdown of the drug over 15 weeks, and the formulation contains the same viscosity enhancing substance (xanthan gum) and the release profile shows percent drug dissolution up to 24 hours, the formulation would inherently be in a homogenous suspension for up to 24 hours, as instantly claimed.

Therefore, the rejection of 4/16/07 is maintained.

Rejection of claims 5-6 under 35 USC § 103(a)

9. Applicant's arguments, see Page 12, filed 08/16/2007, with respect to the rejection of claims 5-6 under 35 USC § 103(a) as being unpatentable over Sparks et al. (US 5,354,556) have been fully considered but are not persuasive.

Applicant argues that since claim 1 is neither taught nor suggested by Sparks, the dependent claims 5-6 should be allowable for that reason as well as the additional recitations each contains. Since the arguments for the anticipation rejection of claim 1 as being anticipated by Sparks were not persuasive, the dependent claims 5 and 6 are obvious over the Sparks teaching of controlled release antibiotic formulations.

Therefore, the rejection of 4/16/07 is maintained.

Rejection of claims 8-12, 16-17, 19, and 21-34 under 35 USC § 103(a)

10. Applicant's arguments, see Page 12, filed 08/16/2007, with respect to the rejection of claims 8-12, 16-17, 19, and 21-34 under 35 USC § 103(a) as being unpatentable over Sparks et al. (US 5,354,556) in view of Zema et al. (US 5,306,506) have been fully considered but are not persuasive.

Applicant argues that Zema appears to be relied upon by the Examiner for a teaching of microcrystalline cellulose and sodium carboxymethylcellulose, as claimed in

independent claim 21 and that Zema does not overcome the deficiencies of Sparks. As mentioned above, Sparks anticipates the dry formulation comprising at least two doses of coated drug particles and a core comprising a drug, and a hydrophobic polymer film coating at least a portion of the core. Sparks does not expressly teach microcrystalline cellulose, sodium carboxymethylcellulose and flavoring. Zema provides the teaching of thickening substances including xanthan gum, carboxymethyl cellulose, and crystalline cellulose. One skilled in the art would be motivated to use additional or alternative thickening substances in the controlled release formulation during the process of routine experimentation.

Instant claim 1 is anticipated by Sparks and instant claim 21 is obvious over Sparks in view of Zema, the dependent claims and the additional limitations that each contain are also unpatentable. Claims 8-12 including the limitations of the viscosity enhancing substances would have been obvious over Sparks in view of Zema. Claims 16-17 including the limitations of artificial sweetener and flavoring agent would have been obvious because taste masking is generally known in the art of pharmaceutical product development and intense sweeteners, artificial sweeteners, and flavors are routinely used to mask the unpleasant tastes of active ingredients. Instant claim 19 is obvious because Zema teaches a suspension forming within 30 seconds. Instant claims 22-34 are obvious over the viscosity enhancing substances taught by Sparks and Zema.

Therefore, the rejection of 4/16/07 is maintained.

MAINTAINED REJECTIONS:

The following is a list of maintained rejections:

Double Patenting

11. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

12. Claims 1-34 remain provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-8, 10-11, 15-16, 20-26 of copending Application No. 10/790,312 ('312 hereafter). Although the conflicting claims are not identical, they are not patentably distinct from each other.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Regarding the claim limitations of instant claim 1, '312 claims a dry formulation of coated linezolid, which can be suspended in an aqueous solution, and is taste masked. Claim 1 in '312 discloses "at least one dose" whereas instant claim 1 discloses "at least

two doses". It would have been obvious to one skilled in the art to modify the formulation parameters to increase or decrease the doses included. The particle size (50μm-600μm) claim limitation is also disclosed in claim 11 of '312. The hydrophobic polymer claim limitation is also disclosed in claim 7 of '312. The viscosity enhancing substance claim limitation is also disclosed in claim 22 of '312. The claim limitations of the suspension time, volume of liquid per dose, and mixing in the presence of air would have been obvious to one skilled in the art because by modifying the formulation parameters one could achieve the desired viscosity, suspendability, release, and stability.

The limitations of instant claims 2-3, and 23-24 (hydrophobic polymers and methacrylic acid as the elected species) are also disclosed in claims 7-8 of '312.

The plasticizer of instant claims 4 and 25 is disclosed as the surfactant in claim 10 of '312.

The oxazolidinone and linezolid of instant claims 5-6, and 26-27 are disclosed in claims 2 and 3 of '312.

Xanthan gum and carboxymethyl cellulose and crystalline cellulose of instant claims 7-8, and 28, are disclosed in claim 22 of '312.

The particle size (100μm-600μm) of instant claim 12 is included in the range (50μm-600μm) disclosed in claim 11 of '312.

The taste masking substance (sucrose) of instant claims 13-15, and 29-31, is disclosed in claims 15-16 of '312.

The flavoring of instant claims 17 and 33 is disclosed in claim 20 of '312.

Water as the aqueous liquid from instant claim 18 is disclosed in claim 26 of '312.

Suspension time within 5 minutes of instant claim 19 is included in claim 25 of '312 (which discloses that suspension is facilitated "in less than about three (3) minutes after addition of the aqueous solution to the dry formulation" (Page 15, claim 25)).

Regarding instant claims 9-11 and 21, the weight ratio of xanthan gum to the combination of microcrystalline cellulose and sodium carboxymethylcellulose and the viscosity of the suspension would have been obvious variants to one skilled in the art because a person skilled in the art would modify the weight ratio of the composition (and consequently the suspension viscosity) based on the required release profile, suspendability, and stability. The recited weight ratios and viscosity values are obvious variants unless there is evidence of criticality or unexpected results.

The viscosity range of instant claim 22 would also be obvious to one skilled in the art given the reasoning for instant claim 21.

The artificial sweetener as a taste-masking agent of instant claims 16 and 32 would have been obvious to one skilled in the art as alternative means of taste masking unpleasant tasting active ingredients.

Given the formulation of microencapsulated linezolid, viscosity enhancing substances, and the resulting suspension after adding the dry formulation to an aqueous liquid such as water, the limitations of instant claims 20 and 34 regarding the homogeneous dispersion of air bubbles and solid particles would be obvious to one skilled in the art.

Since the instant application claims a dry formulation of coated drug particles and a viscosity enhancing substance, which will remain in suspension, it is obvious over the claims of copending application '312 and thus, they are not patentably distinct over each other.

Claim Rejections - 35 USC § 102

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

14. Claims 1-4, 7, 13-15, 18, and 20 remain rejected under 35 U.S.C. 102(b) as being anticipated by Sparks et al. (US 5,354,556).

The claimed invention is a dry formulation comprising at least two doses of coated drug particles and a viscosity enhancing substance in an amount effective to maintain the doses of coated drug in suspension (substantially homogenous) for at least 24 hours after combination with an aqueous liquid and mixing in the presence of air.

Sparks teaches a controlled release powder containing microparticles, which can be readily formulated in liquid form (Col. 1, lines 44-46). The microparticles have an average particle size of from 0.1 to 125 μm (Col. 1, lines 59-60). The microparticles contain an active ingredient that is not entirely coated by the non-toxic polymer (Col. 22, lines 10-21, claim 1). The powder can be "suspended in a liquid vehicle and will

maintain its sustained release characteristics for a useful period of time. These dispersions or suspensions have both chemical stability and stability in terms of dissolution rate" (Col. 3, lines 21-25).

Sparks teaches polymers of acrylic and methacrylic acids (Col. 3, lines 35-36).

The use of xanthan gum as a thickening agent to increase the viscosity is taught (Col. 6, lines 51-53). Polyoxyethylene sorbitan ester as an excipient used in association with the active ingredient is taught (Col. 7, lines 28-35). The oral suspensions using the polymer coated active ingredient masks the unpleasant taste (Col. 8, lines 24-26). Antibiotic suspensions are included in the preferred suspensions (Col. 8, lines 31-35). The "liquids offer versatility and the possibility of twice daily administration of a medicament..." (Col. 8, lines 52-56).

This reference also teaches "controlled release antibiotic formulations substantially free from the taste of the antibiotic for pharmaceutical or veterinary use" (Col. 1, lines 61-68). Sugar is used as the taste-masking compound (Col. 22, lines 42-44, claim 6).

Water as a suitable liquid for the suspension is taught (Col. 6, lines 48-49).

Regarding instant claim 1, Sparks anticipates the claim limitation of "at least two doses" because the suspensions offer the possibility of twice-daily administration of a medicament. The claim limitation of maintaining the suspension for "at least 24 hours at about 20°C to about 30°C" is anticipated by Sparks because in the stability study of the suspension, samples were stored at room temperature and tested at 1, 2, 3, 4, 5, 6, and 24 hour time intervals over a period of 15 weeks (Col. 15, lines 33-42, and lines 56-67).

Room temperature can reasonably be thought of as "about 20°C to about 30°C". The claim limitation of "about 2ml to about 60ml of an aqueous liquid per dose" is anticipated by Sparks because several examples included in this reference include 5ml suspensions per dose of active (300mg of acetaminophen per 5ml in example 15). A person skilled in the art could readily envisage a suitable volume of the suspension vehicle to ensure the dosage, suspendability, release, and stability of the active is maintained.

Regarding instant claim 4, Sparks anticipates the claim limitation of the plasticizer because a polyoxyethylene sorbitan ester is taught. A person skilled in the art can envisage this surfactant as a plasticizer.

Regarding instant claim 7, Sparks anticipates the claim limitation of xanthan gum (elected species) because this reference teaches xanthan gum as a viscosity enhancing substance (mentioned above).

Regarding instant claims 13-15, Sparks anticipates the claim limitation of using sugar as a taste masking substance (mentioned above).

Sparks anticipates instant claim 20, because the reference teaches suspensions that demonstrate bioavailability and dissolution rate stability over a period of time. A person skilled in the art would clearly envisage a drug suspension with demonstrated bioavailability and stability as a suspension having a homogenous dispersion of air bubbles and solid particles.

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

16. Claims 5-6 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Sparks et al. (US 5,354,556).

Instant claims 5 and 6 would have been obvious to one skilled in the art because Sparks teaches "controlled release antibiotic formulations substantially free from the taste of the antibiotic for pharmaceutical or veterinary use" (Col. 1, lines 61-68). Since claims 5 and 6 recite the drug linezolid (an oxazolidinone antibiotic), a person skilled in the art would have found it obvious that the delivery of the antibiotic linezolid would benefit from a taste masking, controlled release formulation as taught by the antibiotic formulation of Sparks.

17. Claims 8-12, 16-17, 19, and 21-34 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Sparks et al. (US 5,354,556), in view of Zema et al. (US 5,306,506).

The teaching of Sparks is stated above.

Sparks does not teach microcrystalline cellulose and sodium carboxymethylcellulose and flavoring or the time it takes the coated drug particles to be suspended in the aqueous liquid.

Zema teaches a solid pharmaceutical composition for addition to water to produce a suspension of a drug (Abstract). Microcapsules of drugs are taught (Col. 1, lines 5-9). Zema further teaches a "thickening agent, which in 15-20 seconds confers sufficient viscosity to the medium to maintain the microcapsules in a homogenous suspension in order to avoid the formation of lumps and especially separation of the microcapsules" (floating and sedimentation) (Col. 4, lines 25-35). The thickening substances include "xanthan gum, ... carboxymethyl cellulose, crystalline cellulose alone or in combination with other hydrocolloids (e.g. AVICEL RC-591 of FMC Corporation" (Col. 5, lines 20-26). It would have been obvious to one of ordinary skill in the art to add microcrystalline cellulose and carboxymethylcellulose to the composition of Sparks, as claimed in instant claim 8. The motivation to do so would be to use alternate thickening or viscosity enhancing substances such as microcrystalline cellulose and carboxymethylcellulose in addition to xanthan gum during routine optimization of suspension formulations. An added motivation is provided by the time it takes to suspend the particles in an aqueous liquid and is taught by Zema (Col. 4, lines 25-35).

Flavoring is also used with the composition (Col. 5, lines 59-64).

It would have been obvious to a person skilled in the art to combine the teachings of Sparks and Zema to arrive at the claimed invention. The motivation to combine the two references is provided by the fact that linezolid is an antibiotic and Sparks teaches taste-masked antibiotic formulations. Similarly, adding artificial

sweeteners that are commercially available, along with flavors to mask the unpleasant taste of the active would have been obvious to a person skilled in the art.

Instant claim 8 would have been obvious to a person having ordinary skill in the art at the time the invention was made given the teaching of Sparks in view of Zema since Zema teaches xanthan gum, microcrystalline cellulose, and carboxymethylcellulose.

Regarding instant claims 9-11, and 21-22, the weight ratio of xanthan gum to the microcrystalline cellulose and carboxymethylcellulose, and the suspension viscosity would have been obvious given the teaching of Sparks in view of Zema. A person skilled in the art would modify the weight ratio of the composition (and consequently the suspension viscosity) based on the required release profile, suspendability, and stability, and the recited weight ratios are obvious variants unless there is evidence of criticality or unexpected results.

Instant claims 16 and 17 would have been obvious to one skilled in the art in given the teaching of Sparks in view of Zema. Since the antibiotic requires taste masking (taught by Sparks), one skilled in the art would use sugars, intense or artificial sweeteners, and flavoring in order to mask the off-taste of the active.

Instant claim 19 would have been obvious to one skilled in the art given the teaching of Sparks in view of Zema. Zema teaches that when the composition is mixed with water a homogeneous suspension of the drug is obtained within 30 seconds (Abstract).

Instant claims 23-34 would have been obvious to one skilled in the art given the teaching of Sparks in view of Zema, since Zema provides the elements of the viscosity enhancing substances microcrystalline cellulose and carboxymethylcellulose that are missing from the Sparks teaching.

Conclusion

18. No claims are allowed.

19. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aradhana Sasan whose telephone number is (571) 272-9022. The examiner can normally be reached Monday to Thursday from 6:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward, can be reached at 571-272-8373. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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